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09/842,101	04/25/2001	Brett G. Alten	BGA-1	6958

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EXAMINER	
HANNETT, JAMES M	
ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,101	ALTEN, BRETT G.	
	Examiner	Art Unit	
	James M Hannett	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-31 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 03 August 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608. 1(n).

Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1: Claims 1-7, 9-15, and 17-31 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,393,216 Ootsuka et al.

2: As for Claim 1, Ootsuka et al teaches on Column 25, Lines 28-45 and in the abstract and depicts in Figures (41B and 43) an image recording system, said system comprising: an image

recorder comprising: an image storage device (film) for recording an image, and a wireless transceiver (TX) that wirelessly transmits image information and receives control instructions; and a remote control unit (RX) comprising: a wireless transceiver (RX) that wirelessly receives image information and transmits said control instructions, and an image display device (R8) that displays said image information.

3: In regards to Claim 2, Ootsuka et al teaches on Column 2, Lines 5-12 the image storage device can store an image selected from a group consisting of a still image, a moving image, and a combination thereof. Ootsuka et al teaches a single image can be captured or a continuous recording mode. This is viewed by the examiner as a still picture capture mode and a motion picture capture mode.

4: As for Claim 3, Ootsuka et al teaches on Column 2, Lines 56-61 the image information roughly corresponds to said image.

5: In regards to Claim 4, Ootsuka et al teaches on Column 26, Lines 5-18 and depicts in Figure 44 the image recorder further comprises: a first optical input (211) for receiving light corresponding to said image; and a second optical input (41) for receiving light corresponding to said image information. Ootsuka et al teaches the first lens (211) receives light that corresponds to the image that is recorded on the film and the second lens (41) receives light that corresponds to the image that is recorded on the CCD.

6: As for Claim 5, Ootsuka et al teaches on Column 2, Lines 56-61 the image information accurately corresponds to said image.

7: In regards to Claim 6, Ootsuka et al teaches on Column 26, Lines 10-18 and Column 7, Lines 30-36 and depicts in Figure 44 the image recorder further comprises: a first optical input

(211) for receiving light corresponding to said image; a beam splitter (40) that divides said light into at least a first beam and a second beam, wherein said first beam is directed toward said image storage device (film in back of shutter (46)), and wherein said first beam corresponds to said image; and a light detector (43), wherein said second beam is directed toward said light detector (43), and wherein said second beam corresponds to said image information.

8: As for Claim 7, Ootsuka et al teaches on Column 7, Lines 33-36 and Column 1, Lines 15-16 the image storage device is a silver-based film.

9: As for Claim 9, Ootsuka et al teaches on Column 26, Lines 10-18 the light detector (43) is a charge-coupled device.

10: In regards to Claim 10, Ootsuka et al teaches on Column 7, Lines 33-36 and Column 1, Lines 15-16 the image storage device is a silver-based film.

11: As for Claim 11, It is inherent in the design of the wireless transceivers of Ootsuka et al that they transmit and receive data by electromagnetic energy.

12: In regards to Claim 12, Ootsuka et al teaches on Column 25, Lines 62-65 the display device (R8) is a liquid crystal display.

13: As for Claim 13, Ootsuka et al teaches on Column 25, Lines 42-45 and depicts in Figure 43 the remote control unit removably attaches to said image recorder (TX), and when said remote control unit (RX) is attached to said image recorder (TX), said display device (R8) is on the back side of image recorder (TX).

14: In regards to Claim 14, Ootsuka et al teaches on Column 25, Lines 42-65 and depicts in Figures 41B and 44 the image recorder further comprises a shutter (46) for controlling the amount of light permitted to enter said image recorder and to be stored in said image storage

device (TX), and wherein said remote control unit (RX) further comprises a control panel (R2-R7), said panel comprising at least one control, which when activated generates said control instructions.

15: As for Claim 15, Ootsuka et al teaches on Column 25, Lines 53-65 and on Column 6, Lines 24-32 the at least one control comprises: a preview control (R6) that when activated generates a preview instruction; and a capture control (R2) that when activated generates a capture instruction.

16: As for Claim 17, Ootsuka et al teaches on Column 25, Lines 28-45 and in the abstract and depicts in Figures (41B and 43) a method of capturing an image remotely using an image recording system, said system comprising: (1) an image recorder comprising an image storage device for recording images (Film), and a wireless transceiver (TX) that wirelessly transmits image information and receives control instructions, and (2) a remote control unit (RX) comprising a wireless transceiver (RX) that wirelessly receives image information and transmits said control instructions, and an image display device (R8) that can display said image information, said method comprising: transmitting control instructions from said remote control transceiver to said image recorder transceiver; receiving said image information transmitted by recorder transceiver (TX) at said remote control said image transceiver; and displaying said image information on said display device.

17: As for Claim 21, Ootsuka et al teaches on Column 25, Lines 28-65 and in the abstract and depicts in Figures (41B and 43) a method of capturing an image remotely using an image recording system, said system comprising: (1) an image recorder comprising an image storage device (Film) for recording images, and a wireless transceiver (TX) that wirelessly transmits

image information and receives control instructions, and (2) a remote control unit (RX) comprising a wireless transceiver (RX) that wirelessly receives image information and transmits said control instructions, and an image display device (R8) that displays said image information, said method comprising: receiving, by said image recorder transceiver, control instructions transmitted from said remote control transceiver; and transmitting, by said image recorder transceiver, said image information to said remote control transceiver for display of said image information on said display device.

18: In regards to Claim 22, It is inherent in the design of the wireless transceivers of Ootsuka et al that they transmit and receive data by electromagnetic energy.

19: In regards to Claim 18, It is inherent in the design of the wireless transceivers of Ootsuka et al that they transmit and receive data by electromagnetic energy.

20: As for Claim 19, Ootsuka et al teaches on Column 25, Lines 42-65 and depicts in Figures 41B and 44 said image recorder further comprises a shutter (46) for controlling the amount of light permitted to enter said image recorder and to be stored in said image storage device (film), and wherein said remote control unit (RX) further comprises a control panel (R2-R7), said panel comprising at least one control, which when activated generates said control instructions, said method further comprising activating said at least one control.

21: As for Claim 23, Ootsuka et al teaches on Column 25, Lines 42-65 and depicts in Figures 41B and 44 said image recorder further comprises a shutter (46) for controlling the amount of light permitted to enter said image recorder and to be stored in said image storage device (Film), and wherein said remote control unit (RX) further comprises a control panel (R2-R7), said panel comprising at least one control, which when activated generates said control instructions.

Ootsuka et al teaches on Column 25, Lines 53-65 and on Column 6, Lines 24-32 the at least one control comprises: a preview control (R6) that when activated generates a preview instruction; and a capture control (R2) that when activated generates a capture instruction. Ootsuka et al further teaches the receiving comprises: receiving a preview instruction in response to a user activating said preview control (R6), wherein said transmitting comprises transmitting said image information to said remote control unit (RX) in response to said receiving said preview instruction (R6); and receiving a capture instruction in response to a user activating said capture control (R2).

22: In regards to Claim 24, Ootsuka et al teaches on Column 25, Lines 28-65 and in the abstract and depicts in Figures (41B and 43) an image recorder for use with a wireless transceiver (RX) that wirelessly receives image information and transmits control instructions, and an image display device (R8) that displays the image information, the image recorder comprising: an image storage device (film) for recording said image; and a wireless transceiver (TX) that wirelessly transmits said image information and receives said control instructions.

23: In regards to Claim 20, Ootsuka et al teaches on Column 25, Lines 53-65 and on Column 6, Lines 24-32 the at least one control comprises: a preview control (R6) that when activated generates a preview instruction; and a capture control (R2) that when activated generates a capture instruction.

24: As for Claim 25, Ootsuka et al teaches on Column 2, Lines 5-12 the image storage device can store an image selected from a group consisting of a still image, a moving image, and a combination thereof. Ootsuka et al teaches a single image can be captured or a continuous

recording mode. This is viewed by the examiner as a still picture capture mode and a motion picture capture mode.

25: In regards to Claim 26, Ootsuka et al teaches on Column 2, Lines 5-12 the image storage device is primarily for storing still images.

26: As for Claim 27, Ootsuka et al teaches on Column 2, Lines 56-61 the image information accurately corresponds to said image.

27: In regards to Claim 28, Ootsuka et al teaches on Column 26, Lines 5-18 and depicts in Figure 44 the image recorder further comprises: a first optical input (211) for receiving light corresponding to said image; and a second optical input (41) for receiving light corresponding to said image information. Ootsuka et al teaches the first lens (211) receives light that corresponds to the image that is recorded on the film and the second lens (41) receives light that corresponds to the image that is recorded on the CCD.

28: As for Claim 29, Ootsuka et al teaches on Column 26, Lines 10-18 and Column 7, Lines 30-36 and depicts in Figure 44 the image recorder further comprises: a first optical input (211) for receiving light corresponding to said image; a beam splitter (40) that divides said light into at least a first beam and a second beam, wherein said first beam is directed toward said image storage device (film in back of shutter (46)), and wherein said first beam corresponds to said image; and a light detector (43), wherein said second beam is directed toward said light detector (43), and wherein said second beam corresponds to said image information.

29: In regards to Claim 30, Ootsuka et al teaches on Column 25, Lines 42-65 and depicts in Figures 41B and 44 said image recorder further comprises a shutter (46) for controlling the

amount of light permitted to enter said image recorder and to be stored in said image storage device (Film)

30: As for Claim 31, Ootsuka et al teaches on Column 25, Lines 28-45 and in the abstract and depicts in Figures (41B and 43) a remote control unit (RX) for use with an image recorder (TX) comprising an image storage device (Film) for recording an image, and a wireless transceiver (TX) that wirelessly transmits image information and receives control instructions, said remote control unit (RX) comprising: a wireless transceiver (RX) that wirelessly receives said image information and transmits said control instructions; and an image display device (R8) that displays said image information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

31: Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,393,216 Ootsuka et al.

32: In regards to Claim 8, Ootsuka et al teaches the invention as discussed in Claim 6. However, Ootsuka et al teaches that the image is captured on a film and does not teach that the image is captured with a CCD or CMOS image sensor.

Official notice is taken that it was well known in the art at the time the invention was made to capture images using CCD or CMOS image sensors instead of film in order to allow users to capture images electronically.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera of Ootsuka et al to capture the image on a CCD or CMOS image in order to allow the user to capture images electronically.

33: In regards to Claim 16, Ootsuka et al teaches the invention as discussed in Claim 14. Ootsuka et al teaches on Column 9, Lines 53-54 that the camera has a zoom lens. However, Ootsuka et al does not teach that the remote control (RX) has a control that can control the zoom lens.

Official notice is taken that it was well known in the art at the time the invention was made to allow users to control the zoom of remote cameras using a remote control in order to allow the user to better capture a desired image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the remote control of Ootsuka et al to control the zoom of the zoom lens in order to allow the user to better capture a desired image.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,537,107 Funado teaches the use of a remote control with a display for a camera; USPN 6,034,722 Viney et al teaches the use of a remote control with a LCD display for a camera; USPN 5,729,289 Etoh teaches the use of a camera that has a detachable display; USPN 5,179,446 Hong teaches the use of a radio transmitter for a camera having a detachable viewfinder; USPN 4,837,817 Maemori teaches the use of a video camera with a removable viewfinder and remote control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
October 4, 2004